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In re Application of	:	
DAHLLOF, et al.	:	
U.S. Application No.: 10/030,637	:	DECISION ON PETITION
PCT No.: PCT/SE00/01453	:	
Int. Filing Date: 06 July 2000	:	UNDER 37 CFR 1.181
Priority Date: 06 July 1999	:	
Attorney Docket Number: 128.826USN	:	
For: SYSTEM FOR THE OXYGEN	:	
DELIGNIFICATION OF PULP	:	
CONSISTING OF LIGNOCELLULOSE	:	
CONTAINING MATERIAL	:	

This decision is in response to applicant's "Request for Withdrawal of Holding of Abandonment" filed 22 April 2002 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181

BACKGROUND

On 06 July 2000, applicant filed international application PCT/SE00/01453, which claimed priority of an earlier application filed 06 July 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 January 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 12 January 2001, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 06 January 2002.

On 08 January 2002, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an unsigned declaration and power of attorney and a First Preliminary Amendment.

On 25 March 2002, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed provide the full U.S. Basic National Fee by 30 months from the priority date and that above-identified application was abandoned as to the United States.

On 22 April 2002, applicant filed the present request for withdrawal of the holding of abandonment and request for a filing date of 19 November 2001.

DISCUSSION

In the "Request for Withdrawal of Holding of Abandonment" filed 22 April 2002 applicant requests that the application papers submitted 08 January 2002 be accorded a receipt date of 19 November 2001 because these papers were attempted to be deposited with the United States Postal Service (USPS) by Express Mail on 19 November 2001 but deposit was refused by the USPS.

On 20 November 2001, the United States Patent and Trademark Office (USPTO) designated the suspension of Express Mail service to Washington, D.C. ZIP Codes 202XX through 205XX (e.g., 20231) as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e).

37 CFR 1.6(e) provides:

If interruptions or emergencies in the United States Postal Service which have been so designated by the Commissioner occur, the Patent and Trademark Office will consider as filed on a particular date in the Office any correspondence which is:

- (1) Promptly filed after the ending of the designated interruption or emergency; and
- (2) Accompanied by a statement indicating that such correspondence would have been filed on that particular date if it were not for the designated interruption or emergency in the United States Postal Service.

The "Notification Related to United States Postal Service Interruption, Suspension of the 'Express Mail' Service of United States Postal Service for mail addressed to ZIP Codes 202xx through 205xx" posted on the USPTO web site on 20 November 2001 states that for United States Postal Service interruptions relating to Express Mail, applicant should submit a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail, the statement must indicate the date on which the person attempted to deposit the correspondence with the USPS and that the USPS refused to accept the correspondence, and the statement must be signed in accordance with 37 CFR 10.18. The request signed by counsel appears to be intended as such a statement but it is insufficient. Mr. Fasth does not have any firsthand knowledge of the alleged refusal by the USPS. In order for the request to be granted applicant must provide a signed statement from Ms. Sandi Jasper detailing her attempts to mail the papers by Express Mail on 19 November 2001 and the USPS refusal to accept said mailing.

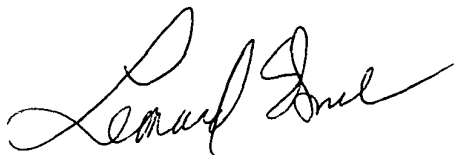
CONCLUSION

The petition to withdraw holding of abandonment under 37 CFR 1.181 has been considered, however, for the reasons indicated above, the petition stands **DISMISSED** without prejudice and the application remains **ABANDONED**.

If reconsideration of the merits of this petition is desired, a proper response must be filed

within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.181." No additional fee is required.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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